

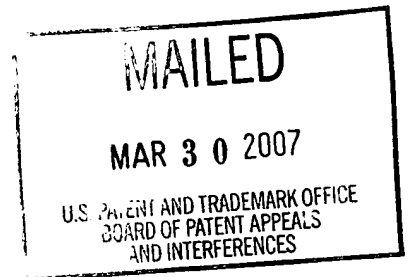
The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL A. FARRAR

Application 09/259,849
Technology Center 2800



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on January 10, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appeal Brief

Appellant filed an Appeal Brief which was received by the USPTO on April 13, 2006. The content provided under the section "**SUMMARY OF CLAIMED SUBJECT MATTER**" is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because the content does not give a concise explanation of the subject matter defined in each of the independent claims involved in the appeal.

Examiner's Answer

The Examiner's Answer (mailed July 13, 2006) fails to list the relevant prior art reference evidence applied in the 35 U.S.C. § 103(a) rejections currently on appeal. *See the Manual of Patent Examining Procedure (M.P.E.P.)* § 1207.02(A)(8).

Information Disclosure Statements

Appellant filed two Information Disclosure Statements (IDS's) under 37 C.F.R. § 1.56 and § 1.97 which were received by the USPTO on November 29, 2004 and June 24, 2005. A review of the IFW application reveals that the Examiner did not properly consider the IDS's. *See the Manual of Patent Examining Procedure (MPEP)* § 609.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to hold Appellant's Brief filed April 134, 2006, defective;
- (2) to instruct Appellant to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c)(1)(v);
- (3) to properly consider the IDS's submitted to the USPTO on November 29, 2004 and June 24, 2005;
- (4) to issue a corrected Examiner's Answer that complies with *MPEP* § 1207.02(A)(8); and
- (5) for such further action as may be appropriate.

Application 09/259,849

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Pat J. Nolan
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

PJN/hh